

Gregg W. Zive

Honorable Gregg W. Zive
United States Bankruptcy Judge



Entered on Docket
June 06, 2017

NICHOLAS STROZZA, ASSISTANT U.S. TRUSTEE

State Bar #CA 117234

WILLIAM B. COSSITT, #3484

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Attorneys for United States Trustee

Tracy Hope Davis

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re)	Case no: BK-N-16-51281-GWZ
CAL NEVA LODGE, LLC,)	Chapter 11
)	
)	ORDER DENYING WITHOUT
)	PREJUDICE THE US TRUSTEE'S
)	MOTION TO DISMISS CASE
)	
)	Hearing Date: June 1, 2017
Debtor.)	Hearing Time: 1:00 p.m.
)	

Tracy Hope Davis, the United States Trustee for Region 17 ("US Trustee"), by and through her undersigned counsel, filed her Motion To Dismiss Case ("Motion", Docket #163), based upon the Debtor's substantial or continuing losses and the unlikelihood of rehabilitation.

1 11 U.S.C. § 1112(b)(4)(A). Oppositions to the Motion were filed by the Debtor, Docket #'s 234
2 and 235, and Ladera Development, LLC, Docket #'s 201 and 240. The Motion was properly
3 noticed and came on for hearing at the above stated date and time, after several continuances.
4 William B. Cossitt, Esq. appeared for the US Trustee. David M. Poitras, P.C. and Jeffrey L.
5 Hartman, Esq. appeared for the Debtor. Jason E. Rios, Esq., appeared for Ladera Development,
6 LLC. Other appearances were noted on the record. All parties waived signature for this Order,
7 pursuant to Local Rule.
8

9 The Court having read the pleadings, listened to testimony and the arguments of the
10 parties, having reviewed its previous notes and findings from previous hearings and having put
11 its findings of fact and conclusions of law on the record in open court, including the
12 incorporation of earlier findings and conclusions from earlier hearings, pursuant to Federal Rule
13 of Civil Procedure 52 made applicable by Federal Rule of Bankruptcy Procedure 7052, and good
14 cause appearing;
15

16 IT IS HEREBY ORDERED that the Motion is DENIED without prejudice.

17
18 Respectfully submitted,

19 Nicholas Strozza
20 State Bar # CA 117234
21 William B. Cossitt
22 State Bar #3484
23 300 Booth Street, #3009
24 Reno NV 89509
25 (775) 784-5335

26 /s/ WILLIAM B. COSSITT

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Attorneys for United States Trustee
Tracy Hope Davis

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CERTIFICATE OF SERVICE

In accordance with LR 9021(c), an attorney submitting this document certifies as follows:

X The court has waived the requirement set forth in LR 9021(b)(1).

 No party appeared at the hearing or filed an objection to the motion.

 I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

 I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

DATED this 2nd day of June, 2016.

WILLIAM B. COSSITT

/S/ WILLIAM B. COSSITT
TRIAL ATTORNEY for the
United States Trustee
Tracy Hope Davis